



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Elmer Street
Drawer N
Oakwood, Virginia 24631

Dear Mr. Street:

You wrote to us with the request to identify who is responsible for underground storage tanks you own but are rented and subleased to other parties. You said that four underground storage tanks (USTs) are going to be closed at this site.

The new technical standards for USTs include requirements for properly closing tanks, inspecting the site for contamination, and taking corrective action if needed. The new EPA regulations for USTs are generally applicable to "owners and operators" to make sure that at least one of these parties is held legally responsible. However, the regulations do not clearly specify in those instances where there is both an "owner" and "operator" whether it is the "owner" or the "operator" who must take corrective action or is liable for pollution costs. The regulations hold both the owner and operator of the UST responsible. Thus, in your case, EPA could hold all three parties responsible for assuring compliance with the closure regulations. These legal matters may also depend on how "owner" and "operator" are defined in your State UST program. One thing is certain: owners and operators need to discuss these issues and decide among themselves who is going to assure that the requirements are met. These decisions will also need to be made if you continue to have operating USTs and therefore have to meet the general technical and financial responsibility requirements.

Cases such as yours underscore the complexity involved with multiple owners and operators. We will look to all three parties in your instance to decide and agree who will assure the required actions are taken. All three parties could be subject to enforcement action should noncompliance be discovered.

For your information, I am enclosing copies of two new brochures

-- "Musts for USTs" and "Dollars and Sense." These brochures provide clear summaries of the regulations in "plain English."

I hope this information is helpful.

Sincerely yours,

/s/

Jim McCormick, Director
Policy and Standards Division
Office of Underground Storage Tanks